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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

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11 FERNANDO CORIA, JR.,
12 Plaintiff,
13 v.
14 M. GARCIA, et al.,
15 Defendants.

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17 1:20-cv-01652-NONE-GSA (PC)

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19 **ORDER IN RESPONSE TO PLAINTIFF'S**
20 **INQUIRY ABOUT SERVICE**
21 **(ECF No. 17.)**

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23 **I. BACKGROUND**

24 Fernando Coria, Jr. ("Plaintiff") is a state prisoner proceeding *pro se* with this civil rights
25 action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on
26 November 20, 2020. (ECF No. 1.)

27 On February 11, 2021, Plaintiff sent an inquiry to the court about initiation of service in
28 his case. (ECF No. 17.)

29 **II. SCREENING AND SERVICE OF PROCESS**

30 The court is required by law to screen complaints brought by prisoners seeking relief
31 against a governmental entity or officer or employee of a governmental entity, such as the instant
32 action brought pursuant to 42 U.S.C. § 1983. 28 U.S.C. § 1915A(a). The court must dismiss a
33 complaint or portion thereof if the prisoner has raised claims that are legally "frivolous or

1 malicious," that fail to state a claim upon which relief may be granted, or that seek monetary
2 relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2).

3 With respect to service, the court will, *sua sponte*, initiate service of the Complaint only
4 after the court has screened the Complaint and determined that it contains cognizable claims for
5 relief. Plaintiff does not need to initiate service himself. Here, Plaintiff's Complaint awaits the
6 court's requisite screening and therefore it is not time for service in this case.

7 **III. CONCLUSION**

8 This order resolves Plaintiff's inquiry about initiation of service.

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10 IT IS SO ORDERED.

11 Dated: February 19, 2021

12 /s/ Gary S. Austin

13 UNITED STATES MAGISTRATE JUDGE

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